

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF <b>Eric Ware</b>		COURT CASE NUMBER <b>08C2788</b>
DEFENDANT <b>McCann, et al.</b>		TYPE OF PROCESS <b>Amended S/C</b>
<b>SERVE</b> ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>Terry L. McCann, Warden, Stateville Correctional Center</b>	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>S.C.C., C/O Legal Dept. P.O. Box 112, Joliet, IL 60434</b>	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:  <b>Eric Ware, R-32516 Dixon-DIX P.O. Box 1200 Dixon, IL 61021</b>	Number of process to be served with this Form - 285	<b>1</b>
	Number of parties to be served in this case	<b>6</b>
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):  
Fold**FILED**JUL 14 2008  
JUL 14 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE <b>06-27-08</b>
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>1 of 6</b>	District of Origin No. <b>24</b>	District to Serve No. <b>24</b>	Signature of Authorized USMS Deputy or Clerk	Date <b>06-27-08</b>
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I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above) <b>Received signed waiver of summons + receipt of certified delivery (green card).</b>	Date of Service <b>7/21/08</b> Time am pm
Signature of U.S. Marshal or Deputy <i>[Signature]</i>	

Service Fee <b>0</b>	Total Mileage Charges (including endeavors) <b>0</b>	Forwarding Fee <b>7.26</b>	Total Charges <b>7.26</b>	Advance Deposits <b>0</b>	Amount owed to U.S. Marshal or <b>7.26</b>	Amount of Refund <b>0</b>
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REMARKS: **mailed certified mail 7007 0110 00009346 2105 w/-waivers mail**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**  
(DISTRICT)

**Waiver of Service of Summons**

**FILED**  
 JUL 14 2008  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

**TO: Eric Ware**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

**I, Terry L. McCann, Warden**  
(DEFENDANT NAME)

acknowledge receipt of your request that I

service of summons in the action of **Eric Ware vs. McCann, et al.**  
(CAPTION OF ACTION)

which is case number **08C2788** in the United States District Court for the  
(DOCKET NUMBER)

**Northern District of Illinois**  
(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **June 27, 2008**  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

**7/2/08**  
DATE

  
SIGNATURE

**Printed/Typed Name:**

As \_\_\_\_\_ of \_\_\_\_\_  
TITLE CORPORATE DEFENDANT

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me: ^	DATE <u>7/2/08</u>	
NAME OF SERVER (Print) <u>Kathy Sandlin</u>	TITLE <u>Lit. Coord.</u>	
Check one box below to indicate appropriate method of service:		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>16830 South Rt 53, Crest Hill, IL</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>7/2/08</u> <div style="text-align: center;">Date</div>	<u>Kathy Sandlin</u> <div style="text-align: center;">Signature of Server</div>	
	<u>16830 South Rt 53</u> <div style="text-align: center;">Address of Server</div> <u>Crest Hill, IL</u>	

**FILED**  
 J.N. JUL 14 2008  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

^As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature x 90 S. A. <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Stateville Correctional Center c/o Kathy Sandlin, Legal Dept. P.O. Box 112 Joliet, IL 60434</p>		<p>B. Received by (Printed Name) c/o S. A. Summers</p>	<p>C. Date of Delivery</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.         </p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7007 0710 0000 9546 2105</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

08cv2788